

Submitted By	Organization	Testifier Position	Present at Hearing
Neal F. Yoro	Individual	Oppose	No

Comments: My name is Neal F. Yoro. I own and operate N. Yoro & Associates with my wife of 35 years, Mae. Our small business provides legal support services to the legal and insurance fields. I am a retired Honolulu Police Department Officer and Conservation Resource Enforcement Officer (combined 28 years of service) who is now a licensed private detective (PD-803). Mae is a former civil litigation secretary. Our combined experience and expertise provides a hybrid model to the process serving industry. While we commend Representative Nishimoto in recognizing the need to address the fees that were put into place in 2001, we oppose any type of oversight by the government in determining our fees. We are a small business, registered with the DCCA. I know of no other industry whose fees are determined by the State. Now, if the State would like to determine fees for work performed for them then that is up to their discretion. But a business transaction between two private parties should have no oversight by the State. We do not know why HRS Sections 607-4, 607-8 or any other Statute was put on the books that dictate what we can charge. We believe any and all legislation concerning process server fees should be abolished. Thank you. Neal F. Yoro (PD-803) 1200 Queen Emma Street, #2011 Honolulu, HI 96813 (808) 429-7334

Submitted By	Organization	Testifier Position	Present at Hearing
elroy akana	Individual	Support	No

Comments: To: Judiciary committee. From: Elroy Akana (process server). I am writing this testimony in support of HB 346 in regards to change due to inflation in our everlasting economic changes. This bill will improve the living and hardships of everyday struggles. The everyday dangers and risk that process servers take daily provides weighted stress that come with the job, unrelated to the fact that gas prices and daily living expenses have gone up since in 2001 which was the last change. I am a single father of four children whom I take care of and in hopes of this change will be very grateful. Thank you for your support and understanding of this current and ongoing issue. Very respectfully submitted for your perusal.

Submitted By	Organization	Testifier Position	Present at Hearing
christan	process server	Support	No

Comments: To: judiciary committee From: Christan johnston Subject: HB 346
Honorable committee I am writing in support of HB 346 process serving, first I would like to thank you for taking the time to read my concerns on HB 346 which for the most part talks about changes in pricing for gas and summons being served. I am very grateful for the opportunity that I have to provide income and contributions for my family. I would hope that changes could be adjusted for fuel and summon charges. The risk that we take as process servers are very hard at times, especially because we hold no police powers. These challenges arise everyday on the job which make it unpredictable. Change of this bill would be awesome due to the fact it's been over 10 yrs since this bill has been adjusted. Thank you for your concerns of this bill. Christan johnston.

Judiciary Committee

Richard K. Mitchell
1050 Bishop St. #512
Hon. Hi. 96813

Re; HB346

Dear Representative

My name is Richard K. Mitchell and I have been a Civil Deputy Sheriff from 1998 till 2001 when the civil section was closed. I have been a Civil Process Server since then.

I am writing this letter to ask support for HB346. It has been 14 years since the last increase we have seen for fees for serving of civil documents. My understanding is that, when closing the civil section of the Sheriffs Division we were no longer under Public Safety, we were considered and deemed Private Individual Civil Process Servers.

Within these past 14 years the cost of living across the country as well as Hawaii has drastically increased. We have seen the mean average of a home in Hawaii increase from \$415,000 to its current state of \$700,000. With this increase occurs the influx of fuel prices, minimum wage and everyday life. We as privatized process servers have not been able to conform our wages and prices to match such increase in hindsight "eating" the cost of our duties.

The current day Privatized Process Servers are unable to pass on the GET tax to their consumers, in fact we are the only business / entity disallowed to do so, as well as having to go through Legislation to increase our fees. We are a private business and do not fall in the same legislation rights and regulations as other privatized business owners.

As Private Civil Process Servers, why are we treated as though we are still under Public Safety and have to go through legislation to raise our fees? We are a free enterprise and should be able to charge a fee that is reasonable to today's standards. What other businesses have to go through legislation to increase their fees to do work? If you still feel we need to be legislated I feel HB346 is a fair rate to raise our fees.

I appreciate your time and your assistance in passing HB346.

Sincerely,

Richard K. Mitchell

Submitted By	Organization	Testifier Position	Present at Hearing
Joshua Emmanuel	Individual	Comments Only	No

Comments: Judiciary Committee from Joshua Emmanuel Subject HB346 To whom this may concern, I was satisfied with a family court paper that was served to me, and I am in support of HB 346. I was well pleased with the service the process server had done. They are excellent at what they do, and should be rewarded with a raise. Thank you for your understanding VR Joshua Emmanuel

Submitted By	Organization	Testifier Position	Present at Hearing
Daniel Pagan	Individual	Support	No

Submitted By	Organization	Testifier Position	Present at Hearing
Kealamaikahiki Loo	Individual	Support	No

February 2, 2015

To:

Representative, Karl Rhoads, Chair

Representative, Joy A. San Buenaventura, vice chair

And The Judiciary Committee

HB 346

Relating to the Civil Process Serving Fees

Notice of Hearing Tuesday, February 03, 2015

2:00pm, State Capital, Conference Room 325

By

Shane K Ching, Privatized Civil Process Server

HB346 is a request to standardize and increase the fees imposed by legislation on Privatized Civil Process Servers in Hawaii. The current bill has set the standards and fee for service imposed on Civil Process Servers. This bill has limited the amount of fees that a Process Server may charge and was last evaluated as of the year 2000. I as both a Privatized Civil Process Server and a supporter of this bill am requesting sincere consideration of your support for the following reasons:

As it currently stands I am allowed to charge \$25.00 for my fee for service to include an additional charge of \$0.20 per mile. The majority of cost incurred to me as a process server is defined in the amount of miles I travel on a daily basis. As we all know the cost of living in Hawaii has significantly increased since the year 2000. For example the Mean cost of a home in Hawaii in the year 2000 was \$415,000.00, and at present \$700,000.00. But the most dramatic increase felt and noted is the rise in fuel cost over the last 14 years. We have seen record highs over the last 4 years, although the fuel prices have decreased significantly within the last 6 months, the questioned posed is, how long will this last? I am proposing to increase the fee for service to \$65.00 per summons and an increased fuel charge of \$0.80 per mile, in accordance with the influx and surge in rising economic prices throughout our state for the year 2015.

Process Servers were originally a branch of the Sheriff's Department, as of 14 years ago. Upon legislation agreement in 2000, Process Servers were to be considered Privatized Civil Process Servers working as privately owned entities / business owners. It is difficult to understand that as a private entity our fee for service as well as limitations set forth, as legislatively driven and unchanged since the year 2000. We as private entities should be allowed to charge what is due and forthcoming for our services. Our current fees due not include the GE taxes imposed upon us, we are currently not allowed to incurred those taxes in our fee for service as does any other private business owner can and will do. We have basically taken a loss in the inability to include the taxes into our service fee.

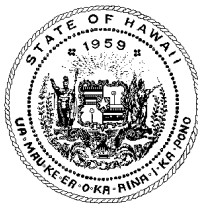
I am requesting for reconsideration in the standardization imposed and have full confidence in the Committee's decision of equality and fairness.

Thank You for the opportunity to comment on this bill.

Submitted By	Organization	Testifier Position	Present at Hearing
neil fujuioka	Individual	Support	No

Comments: I am in support of HB346. I have used the assistance of several process servers in various cases and am aware of the amount of driving and time it requires of them. I am appreciative and realize the efficiency and time management this requires and completely believe in raising their fee for service as well as support their request to increase their fuel charge

DAVID Y. IGE
GOVERNOR



NOLAN P. ESPINDA
DIRECTOR

Cathy Ross
Deputy Director
Administration

Deputy Director
Corrections

Shawn Tsuha
Deputy Director
Law Enforcement

LATE

STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
919 Ala Moana Boulevard, 4th Floor
Honolulu, Hawaii 96814

TESTIMONY ON HOUSE BILL 346
RELATING TO THE CIVIL PROCESS

By
Nolan P. Espinda, Director
Department of Public Safety

House Committee on Judiciary
Representative Karl Rhoads, Chair
Representative Joy A. San Buenaventura, Vice Chair

Tuesday, February 3, 2015; 2:00 p.m.
State Capitol, Conference Room 325

Chair Rhoads, Vice Chair San Buenaventura, and Members of the Committee:

The Department of Public Safety (PSD) **supports the intent** of this bill, which would increase service of process fees in Hawaii. We note that It has been more than ten years since the fee structure has been examined and, since that time, the cost of doing business in Hawaii has increased.

The Working Group on the Service of Process, convened pursuant to Act 116 of the 2013 Legislature did not make a recommendation on this issue, but came to a consensus that follow-up discussion and debate would help to ensure the due process rights of the respondents and the interests of the plaintiffs are satisfied and that the costs incurred by the service are recovered by the process server.

Thank you for the opportunity to present this testimony.

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
matt fujimoto	Individual	Support	No

Comments: I am in support of HB346. I have used a Process Server in the past and have found them efficient and professional. I support their request to increase their fee for service and the additional increase in fuel charges.

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Ryan Gouveia	Individual	Support	No

Comments: I am in support of HB346. I have used a process server in the past and truly believe that they are long over due for an increase in rate of service and fuel charges.

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
kahealani smith	Individual	Support	No

Comments: I am in support of HB346. The request for increase for both fee for service and fuel charges are both valid and warranted.

February 2, 2015

LATE

To:

Representative, Karl Rhoads , Chair

Representative, Joy A. San Buenaventura , Vice chair

And The Judiciary Committee

Notice of Hearing Tuesday, February 03,2015

2:00pm, State Capital, Conference Room 325

RE: HB 346 – Relating to the Civil Process Serving Fees

HB 346 is a bill that I am in support of. I am a Privatized Civil Process Server and am in agreement of its overview. As a Process server, my fee for service has been standardized at a rate of \$25.00 for service and \$0.20 per mile. As the cost of living increases in Hawaii, the fees have remained unchanged for the last 14 years. The majority of our cost, as Process Servers relies solely on the cost of fuel. Each day I may travel a total of 100-200 miles a day, and as we all know the prices of fuel in Hawaii have been at a record high and to charge \$0.08 per mile is not suffice. Increasing the cost of fuel per mile is a fair and adequate request.

In address of the fee for service, our current charge does not include the GE taxes that are imposed on me when filing my taxes. As a private entity, I should be allowed to include the taxes incurred into my service fee as do, all other private business owners. As it stands legislation has deemed that we are not allowed to charge for these taxes and in essence I am taking a loss in service.

I am requesting an increase in my service fee from \$25.00 to \$65.00 in addition to the fuel charge increased from \$0.20 to \$0.80.

I appreciate your time and attention to this bill, and thank you for the opportunity to comment on this matter.

Very Respectfully,

Ernel J. Smith III